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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/568,101 | 02/13/2006 | Toshihiro Mori | 06491217PUS1 | 7811 |

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| EXAMINER | |
|---|---|
| WILDER, CYNTHIA B | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 1637 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 04/08/2008 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**ATTACHMENT TO ADVISORY ACTION**

1. The amendment filed after the final Office action on February 29, 2008 is acknowledged and will be entered. However, the amendment does not place the claims in condition for allowance. Accordingly, the rejections made of record in the final Office action mailed 10/31/2007 are maintained.

***Response to Arguments***

2. Applicant's arguments have been fully reviewed and considered but are not found persuasive for the reasons that follow: In response to Applicant's arguments that neither Su I or Su II or Kappel disclose a pore diameter of 0.1 to 10 μm as required by the claims, the Examiner respectfully disagree. Specifically Su I teaches that "the solid matrix is in particulate form, which the particles being in the micro-meter range (preferably 5 to 500 micrometer) or the millimeter range or is in fibrous form with the fibers being micrometer in diameter and any desired length" (page 19, lines 14-19). Su II teaches wherein "the suspension is filtered through a membrane with 0.45 micron pores..." (col. 10, lines 23-24). Both Su I and Su II teaches that the methods are useful for isolating and purifying small DNA and RNA (see entire reference and col. 8). Kappel et al teach a frit (solid matrix) with a pore size of approximately 20 micrometers (0135).

Given, the teachings of the prior art, one of ordinary skill in the art could expect predictable results and a reasonable expectation of success using the solid phases of the cited prior art. Further, solid phases with pore size in the range of 0.1 to 10 micrometers in size are well known and commonly used in the prior art. For example,

Nargessi et al (citation made of record in IDS filed 12/6/2007 after the mailing of the final Office action) teach the use of magnetic particles as described in Hawkins, US 5898071 (see page 3). Hawkins 071 supports the use of magnetic microparticles that are 1 micrometer in diameter (col. 4, lines 9-19). Applicant's arguments are not found persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA B. WILDER whose telephone number is (571)272-0791. The examiner can normally be reached on a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on (571) 272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/cbw/